

within the 30 days of that date, accounting for the fact that the last day of the 30-day period fell on a Saturday. *See* Fed. R. Civ. P. 6(a)(1)(C).

4. The Court has original jurisdiction over this action under 28 U.S.C. § 1332(a) because this is a civil action between parties whose citizenship is diverse, and the amount in controversy exceeds \$75,000.00. Therefore, the action is removable pursuant to 28 U.S.C. § 1441(a).

DIVERSITY AMONG THE PARTIES

5. The State Court Action has two named plaintiffs, the Curators of the University of Missouri on behalf of University of Missouri Health Care and University Physicians and Capital Region Medical Center (“Plaintiffs”).

6. At the time of filing and all times relevant to this action, Plaintiff Capital Region Medical Center was and is a citizen and resident of the state of Missouri. (Compl. ¶ 2). There are no Plaintiffs that are a citizen of a state other than Missouri.

7. Defendant Corizon Health, Inc. is, and at the time of filing of this action was, a corporation. For jurisdictional purposes, “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). Defendant Corizon Health, Inc. is incorporated in the state of Texas and has a principal place of business in Tennessee. (*See* Compl. ¶ 3; Decl. of J. Scott King, attached hereto as **Exhibit B**, ¶ 5).¹ Thus, for jurisdictional purposes, Defendant Corizon Health, Inc. is a citizen of the states of Texas and Tennessee.

8. Defendant Corizon, LLC was a limited liability company. For jurisdictional purposes, the citizenship of an unincorporated association (such as a limited liability company) is

¹ Previously, Defendant Corizon Health, Inc. was incorporated in the state of Delaware with a principal place of business in Tennessee. Decl. of J. Scott King, **Ex. B**, ¶ 5.

based on the citizenship of its member(s). *Jet Midwest Int’l Co., Ltd v. Jet Midwest Grp., LLC*, 932 F.3d 1102, 1104 (8th Cir. 2019). Defendant Corizon, LLC had one member: Corizon Health, Inc. (Compl. ¶ 4; Decl. of J. Scott King, **Ex. B**, ¶ 6). Corizon Health, Inc. is incorporated in the state of Texas and has a principal place of business in Tennessee. Decl. of J. Scott King, **Ex. B**, ¶ 5. Thus, for jurisdictional purposes, Defendant Corizon Health, Inc. is a citizen of the state of Texas and Tennessee. *See* 28 U.S.C. § 1332(c)(1). As such, at the time of the allegations in the Complaint, Corizon, LLC was a citizen of the states of Texas and Tennessee, regardless of whether it maintained its principal place of business in Missouri. Decl. of J. Scott King, **Ex. B**, ¶¶ 5–6. However, as of the time of filing of the Complaint and this notice of removal, Corizon, LLC had merged with Corizon Health, Inc., leaving Corizon Health, Inc. remaining as the surviving entity. *Id.* ¶ 6. Because citizenship is to be determined as of the date of filing of the complaint and the notice of removal (*Reece v. Bank of New York Mellon*, 760 F.3d 771, 777 (8th Cir. 2014)), this conclusively establishes that both Defendants are citizens of Texas and Tennessee.

9. Because Plaintiff Capital Region Medical Center is a citizen and resident of the state of Missouri and the Corizon Defendants are citizens of the states of Texas and Tennessee (Decl. of J. Scott King, **Ex. B**, ¶¶ 5–6), there is complete diversity of citizenship in accordance with 28 U.S.C. § 1332(a)(1).

10. Plaintiffs’ allegation to the contrary in Paragraph 12 of the Complaint is meritless. (*See* Compl., ¶ 12). That Plaintiff The Curators of the University of Missouri is an “arm of the State of Missouri” (*Id.* (citing *Sherman v. Curators of Univ. of Mo.*, 871 F. Supp. 344, 346 (W.D. Mo. 1994))), does not mean that “[t]his case is not removable to federal court.” (*Id.*) Indeed, *Sherman* merely stands for the proposition that Plaintiff The Curators of the University of Missouri has sovereign immunity. *See* 871 F. Supp. at 346. Plaintiffs’ other cited authority, *Brantl v.*

Curators of Univ. of Mo., 616 S.W.3d 494 (Mo. Ct. App. 2020) stands for the same proposition, and in no way bars removal of this case. Moreover, contrary to Plaintiffs' false assertion otherwise, *Brantl* was not decided by this Court, but rather the Missouri Court of Appeals. (See Compl., ¶ 12).

AMOUNT IN CONTROVERSY

11. Plaintiffs seek "in excess of \$12,000,000.00, including interest at the rate of one percent (1%) per month that continues to accrue"). (Compl. ¶ 33).

12. Accordingly, the amount in controversy exceeds \$75,000.00, and the requisite amount in controversy for federal diversity jurisdiction is satisfied. *See* 28 U.S.C. § 1332(a).

PROPER COURT FOR REMOVAL

13. The United States District Court for the Western District of Missouri, Central Division, is the appropriate court for filing a notice of removal from the Boone County Circuit Court. *See* 28 U.S.C. § 105(b)(4). Thus, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, Corizon respectfully requests that this Court take jurisdiction of this action and issue all necessary orders and process to remove this action from the Circuit Court of Boone County, Missouri to the United States District Court for the Western District of Missouri, Central Division.

Respectfully submitted,

/s/ R. Thomas Warburton

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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2022, a copy of the foregoing was filed electronically with the Clerk's office by using the CM/ECF system and served electronically and/or via first-class U.S. mail, postage prepaid, upon all counsel as indicated below. Parties may also access this filing through the Court's ECF system.

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